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EXAMINER				
GOLD, AVIM				
ART UNIT		PAPER NUMBER		
2457				
NOTIFICATION DATE		DELIVERY MODE		
12/04/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

09/867,797

Applicant(s)

YOUSTRA, WILLIAM N.

Examiner

AVI GOLD

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19, 20, 25-30, 33, 34, 40-51 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42 and 58 is/are allowed.
- 6) ☒ Claim(s) 1-15, 19, 20, 25-27, 29, 30, 33, 34, 40, 41, 43-51 and 53-57 is/are rejected.
- 7) ☒ Claim(s) 16 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-552)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed on August 28, 2008. Claims 1-4, 7-16, 19, 20, 25, 28-30, 33, 34, 42, and 46-51 were amended. Claims 53-58 were added. Claims 17, 18, 21-24, 31, 32, and 35-39 were cancelled. Claims 1-16, 19, 20, 25-30, 33, 34, 40-51, and 53-58 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15, 19, 20, 25-27, 29, 30, 33, 34, 40, 41, 43-51, and 53-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul, U.S. Patent No. 6,052,709.

Paul teaches the invention as claimed including controlling the delivery of unsolicited electronic mail messages over an electronic communications network (see abstract).

As to claim 1, Paul teaches a method for transmitting electronic data, the method comprising:

receiving, at a communications system host, first electronic data transmitted from a first sender and addressed to an intended recipient, the first electronic data comprising a first electronic mail message (col. 6, lines 24-46, Paul discloses incoming emails address to a recipient from multiple senders);

the receiving, at the communications system host, second electronic data from a second sender and addressed to the intended recipient, the second electronic data comprising a second electronic mail message (col. 6, lines 24-46);

determining attributes of at least one of the first electronic data and the second electronic data (col. 6, lines 45-50, Paul discloses filtering an email that matches data stored in an exclusion list);

endorsing the first electronic data or the second electronic data based on the determined attributes (col. 6, line 50, Paul discloses indicating the "JUNK" status of an email if it makes data stored in the list);

modifying one of the first electronic data and the second electronic data with endorsement information, the endorsement information comprising presentable information that visually distinguishes endorsed messages from nonendorsed messages (col. 7, lines 1-8, Paul discloses inserting the word "JUNK" at the beginning of the email's subject header field); and

enabling access to the first electronic data and the second electronic data concurrently with the endorsement information that visually distinguishes the first electronic data from the second electronic data in a single electronic mail inbox (col. 7,

lines 1-8, Paul discloses the visually distinguished email displayed in the inbox along with other emails that are not marked as junk mail).

Paul does not explicitly teach the electronic mail inbox configured to generate a separate user interface that displays content of electronic data in response to manipulation of the first electronic data or the second electronic data.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made that a separate user interface would be generated to display content of the email in response to opening an email, to be read, in any of the software applications listed on column 6, lines 35-39.

Regarding claim 2, Paul teaches the method of claim 1 wherein endorsing comprises identifying the first or second sender (col. 6, lines 24-46).

Regarding claim 3, Paul teaches the method of claim 2 wherein the first or second sender is identified by a screen name (col. 6, lines 24-46).

Regarding claim 4, Paul teaches the method of claim 2 wherein the first or second sender is identified by an IP address (col. 5, lines 10-20).

Regarding claim 5, Paul teaches the method of claim ,1 wherein endorsing further comprises designating a level of security corresponding to the sender of the electronic data (col. 5, lines 10-20).

Regarding claim 6, Paul teaches the method of claim 1 wherein endorsing further comprises verifying that at least one attribute of the electronic data is an attribute of an authorized sender (col. 6, lines 24-46).

Regarding claim 7, Paul teaches the method of claim 6 wherein the attribute comprises a screen name (col. 6, lines 24-46).

Regarding claim 8, Paul teaches the method of claim 6 wherein the attribute comprises an IP address (col. 5, lines 10-20).

Regarding claim 9, Paul teaches the method of claim 1 wherein endorsing further comprises designating a level of security corresponding to at the determined attribute (col. 5, lines 10-20, col. 6, line 24-46).

Regarding claim 10, Paul teaches the method of claim 1 further comprising: storing content of the first and second electronic data in a first storage area of the communications system host; and storing attributes of the first and second electronic data in a second storage area of the communications system host (col. 6, lines 24-46).

Regarding claim 11, Paul teaches the method of claim 1 wherein enabling access comprises presenting the endorsement information to the intended recipient (col. 6, lines 1-15, col. 7, lines 1-14).

Regarding claim 12, Paul teaches the method of claim 11 wherein the endorsement information is presented with the determined attributes (col. 6, lines 1-46).

Regarding claim 13, Paul teaches the method of claim 11 wherein the endorsement information is presented with content of the first and second electronic data (col. 6, lines 1-46).

Regarding claim 14, Paul teaches the method of claim 11 wherein the endorsement information is capable of being rendered by the intended recipient as an icon indicative of endorsement (col. 6, lines 1-46, col. 7, lines 1-14).

Regarding claim 15, Paul teaches the method of claim 11 wherein the endorsement information is capable of being rendered by the intended recipient as a graphical user interface indicative of endorsement (col. 6, lines 1-46, col. 7, lines 1-14).

Regarding claim 29, Paul teaches the method of claim 25 wherein the endorsement information is rendered with contents of electronic data (col. 6, lines 1-46, col. 7, lines 1-14).

Regarding claim 30, Paul teaches the method of claim 25 wherein the endorsement information is rendered with attributes of electronic data (col. 6, lines 1-46, col. 7, lines 1-14).

Regarding claim 40, Paul teaches the method of claim 1 wherein modifying the electronic data includes enabling a messaging application to visually distinguish the endorsed messages from the nonendorsed messages (col. 7, lines 1-14).

Regarding claim 41, Paul teaches the method of claim 40 wherein enabling the messaging application to visually distinguish between the endorsed and nonendorsed messages includes presenting an endorsed icon for an endorsed electronic mail message in an electronic mail inbox that also includes nonendorsed electronic mail messages (col. 7, lines 1-14).

Regarding claim 43, Paul teaches the method of claim 1 wherein modifying the electronic data includes appending endorsement information to originally-received electronic data (col. 7, lines 1-14).

Regarding claim 44, Paul teaches the method of claim 1 wherein modifying the electronic data includes instructing a rendering application that the electronic data represents endorsed communications (col. 7, lines 1-14).

Regarding claim 45, Paul teaches the method of claim 1 wherein modifying the electronic data with endorsement information includes configuring a messaging communication to reflect endorsement by a messaging provider (col. 6, lines 1-46, col. 7, lines 1-14).

Regarding claim 46, Paul teaches the method of claim 1 wherein the first electronic data is endorsed based on the determined attributes and the first electronic data is modified with endorsement information modifying the electronic (col. 6, lines 1-46).

Regarding claim 53, Paul teaches the method of claim 1, wherein the first electronic data is endorsed based on the determined attributes, the second electronic data is not endorsed based on the determined attributes, and the first electronic data is modified with endorsement information (col. 6, lines 1-46).

Regarding claim 54, Paul teaches the method of claim 1, wherein the second electronic data is endorsed based on the determined attributes, the first electronic data is not endorsed based on the determined attributes, and the first electronic data is modified with endorsement information (col. 6, lines 1-46).

Regarding claim 55, Paul teaches the method of claim 1, wherein the first sender and the second sender are the same sender (col. 7, lines 15-27).

Regarding claim 56, Paul teaches the method of claim 1, wherein the first sender is the communications system host, and the first electronic data is endorsed based on the determined attributes (col. 6, lines 1-46).

Regarding claim 57, Paul teaches the method of claim 1, wherein the attributes include information associated with electronic data other than content of the electronic data (col. 6, lines 1-46).

Claims 19, 20, 25-27, 33, 34, and 47-51 do not teach or define any new limitations above claims 1, 14, 15, and 46 and therefore are rejected for similar reasons.

Allowable Subject Matter

3. Claims 42 and 58 are allowed.
4. Claims 16 and 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-15, 19, 20, 25-27, 29, 30, 33, 34, 40, 41, 42-51, and 53-57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,725,381 to Smith et al.

U.S. Pat. No. 6,640,301 to Ng.

U.S. Pat. No. 6,584,564 to Olkin et al.

U.S. Pat. No. 6,356,937 to Montville et al.

U.S. Pat. No. 5,937,160 to Davis et al.

U.S. Pat. No. 6,745,936 to Movalli et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

Art Unit: 2457

AMG

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457